

REMARKS

Reconsideration and withdrawal of the rejection of Claims 8-16 are respectfully requested in view of the foregoing amendments and the following remarks.

Initially, it should be noted that Applicant has amended page one of the specification, as requested, to update the status of his related applications.

Turning now to the 103 rejection of Claims 8-16, at the outset, it should be noted that the cited reference to Pattee relates to a closed recycling system for laundry waste water whereas the present invention relates to a system for discharging filtered effluent into a leaching pool. While Applicant agrees with Examiner Popovics that the use of leach pools or lagoons to process waste water is well known, it would not be obvious to employ leach pools in the system of Pattee because this goes against the teaching of Pattee whose intention is to recycle the water not discharge it. Indeed, it would not be obvious to combine the teachings of Pattee with the well known art of using leach pools, as this would entirely frustrate the intention of Pattee in providing a closed recycling system.

Moreover, Pattee does not disclose or suggest the water filtration apparatus as now claimed. Claim 8 now requires the primary effluent discharge to be coupled to one of the inlets of said equalization tank such that the primary effluent is delivered by gravity to said equalization tank. In addition, Claim 8 now refers to the fact that "pump means" are employed for pumping said primary effluent from said equalization tank to said first surge tank. In addition, the inlet of said secondary filter is now defined as being coupled to one of said outlets of said first surge tank such that the primary effluent is delivered by gravity to said secondary filter. Finally, the plurality of leach pools have been defined as having an inlet which is coupled downstream of said outlets of said secondary filter rather than being coupled "thereto" so as to not exclude the preferred embodiment of Claim 11 which interposes additional elements between the secondary filter and the leach pool.

Furthermore, Claim 9 has been amended to simply provide antecedent basis for the filter sock and Claim 11 has been amended to indicate that the inlet of the second surge tank is coupled to the outlet of said secondary filter such that primary effluent is delivered by gravity to said second surge tank. Support for these limitations can be found in the specification at page 9.

Pattee neither discloses nor suggests the arrangement now set forth in Claim 8 and, in particular, the employment of a gravity feed for certain claimed components.

Finally, Applicant hereby requests a three month extension of time in which to respond to the outstanding Office Action. Credit Card payment form no. PTO-2038 in the amount of \$510.00 is enclosed . Any fee deficiency or overpayment may be charged or credited to applicant's Deposit Account No. 07-0130.

In view of the foregoing, it is believed that Claims 8 - 16, as amended are patentably distinguishable over the cited art. Accordingly, reconsideration and withdrawal of the rejection and allowance of Claims 8 - 16 at an early date is earnestly solicited.

Respectfully submitted,

JAMES P. SHARKEY



Thomas M. Galgano, (27,638)
GALGANO & BURKE, LLP
Attorneys for Applicant
300 Rabro Drive, Suite 135
Hauppauge, NY 11788
(631) 582-6161

TMG/jgg

Enclosures: USPTO Form 2038 in the amount of \$510.00

Postcard

F:\G&b\558\7b\Div\amendment.wpd

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on January 13, 2005

By: 

THOMAS M. GALGANO

Date: January 13, 2005